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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,155	01/22/1999	JOSHUA SUSSER	SUN-P3710	5107

7590 10/06/2003

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EXAMINER

OPIE, GEORGE L

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/06/2003

30

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/235,155		Susser, et al.	
	Examiner		Art Unit	
	George L. Opie		2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 25-49 is/are pending in the application.
- 4a) Of the above claim(s) ☐ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ☐ is/are allowed.
- 6) ☒ Claim(s) 1 and 25-49 is/are rejected.
- 7) ☐ Claim(s) ☐ is/are objected to.
- 8) ☐ Claim(s) ☐ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ☐ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ☐ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ☐.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| 14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <input type="checkbox"/> . |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <input type="checkbox"/> . | 19) <input checked="" type="checkbox"/> Other: Text doc for USP6,220,510 |

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DETAILED ACTION

This Office Action is responsive to Amendment D, filed 17 July 2003, in which claims 1, 35, 37-43 and 45-49 were amended.

1. Request for copy of Applicant's response on floppy disk:

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, it will help expedite the processing of your application. Your cooperation is appreciated.

2. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

3. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 25-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Everett et al. (U.S. Patent 6,220,510) in view of De Jong (U.S. Patent 5,802,519).

As to claim 37, Everett teaches a method of permitting access to information (data can be exchanged between a plurality of applications, p6 23-44) on a small footprint device (IC card, also called smart card, p5 22-36) from a first program module (electronic money application, p7 19-40) to a second program module (loyalty application ... frequent flyer awards, Id.) separated by a context barrier (each application is allocated a memory space, Id.) said program modules

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configured to operate on said small footprint device (multiple applications to be accessed while performing a desired task, p6 17-20).

Everett does not explicitly disclose the additional limitations detailed below.

De Jong (p12 51-55) teaches a data exchange system for smart cards comprising a step of creating a context (interaction context) having access to all program modules without context barrier constraints (open any of the other applications).

It would have been obvious to combine De Jong's teachings with Everett because the context mechanism defined by De Jong (p6 23-25) "leads to a wider range of smart card use" and, thus provides more features/services for users.

As to claim 38, De Jong teaches a supercontext (management interaction context", p4 47-53). It would have been obvious to combine De Jong's teachings with Everett as modified because the management interaction context would allow a user to employ any available terminal for updating the smart card data from the given terminal, thereby enabling the user to interface the card with other devices for portability and convenience.

As to claim 39, see the claim 37 discussion supra. The limitations in claim 39 are functionally equivalent to claim 37, with the additional limitation in claim 39 of permitting the context to access information of another program module across the context barrier. De Jong teaches context "interactions between data processing units 4,5", p8 50 – p9 2, which shows the accessing of other program modules across contexts. It would have been obvious to combine De Jong's system with Everett because the context mechanism defined by DeJong p6 23-25) "leads to a wider range of smart card use" and, thus provides more features/services for users.

As to claim 1, Everett teaches a small footprint device (IC card, also called smart card, p5 22-36) comprising
at least one processing element (computer chip including a microprocessor, Id.)
a memory (random access memory, Id.)
a context barrier for isolating program modules from one another (each application program stored on the IC card is allocated a memory space, p7 19-40) said program modules configured to operate on said small footprint device (interaction between the two applications stored on the card, Id.)
Everett does not explicitly disclose the additional limitations detailed below.

De Jong teaches a data exchange system for smart cards and one context (interaction context, p12 51-55) having access to all program modules without context barrier constraints (open any of the other applications, Id.).

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It would have been obvious to combine De Jong's teachings with Everett because the context mechanism defined by De Jong (p6 23-25) "leads to a wider range of smart card use" and, thus provides more features/services for users.

As to claim 25, De Jong (p4 47-53) teaches the context (interaction context) is used for access to at least one program module across a context barrier (review and modify data stored in the device memory from a smart card terminal).

As to claims 26-27, De Jong p8 teaches the context barrier (functional separation) allocates separate name spaces for each program module (processing units 4-5) and the context can access at least two program modules even though they are located in different respective name spaces (interaction between a smart card and a terminal).

As to claims 28-29, see De Jong's teachings as referenced in the discussion of claims 26-7 above. The limitations in claims 28-29 are functionally equivalent to the limitations in claims 26-7, but for the substitution of "memory space" for the "name space" term. It would have been an obvious variation for one skilled in the art to provide this configuration of memory, because the interaction of programs from separate memory spaces facilitates connectivity for safe and effective interprocess communications.

As to claims 30-34, De Jong teaches security protocols for governing interactions with contexts, memory, and objects, p4 41-46, p5 13-21, and p8 50 – p9 2, and from this, one skilled in the art would have provided the recited security checks, as routine procedures for promoting process interactions while ensuring that the operations can be trusted as part of the system.

As to claims 35-36, note the rejections of claims 1 and 33 respectively. The limitations in claims 35-36 are the functional equivalents of claims 1 and 33, with the difference being that claims 35-36 are method claims and claims 1 and 33 are apparatus claims.

As to claim 40, see the claim 39 discussion supra.

As to claim 41, note the rejection of claim 1 above. Claim 41 is the same as claim 1, except claim 41 is a computer program product claim and claim 1 is an apparatus claim.

As to claim 42, "Official Notice" is taken that the use of a carrier wave as a memory medium is well known in the art (MPEP2144.03).

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As to claim 43, note the rejection of claim 39 above. Claim 43 is the same as claim 39, except claim 43 is a computer program product claim and claim 39 is a method claim.

As to claim 44, see the claim 42 rejection.

As to claims 45-46, note the rejections of claims 37 and 39 respectively. Claims 45-46 are the same as claims 37 and 39, except claims 45-46 are computer program product claims and claims 37 and 39 are method claims.

As to claim 47, see the claim 37 discussion supra. The claim 47 limitations are basically the same as claim 37, but for the addition in claim 47 of the recitation regarding the transmission of code from a server. Network communications from servers are notoriously well known, and thus transmitting the subject method/code would have obviously followed in this context.

As to claims 48-49, see the discussion of claims 39-40 supra. Claims 48-49 are means-plus-function claims that correspond to the claims 39-40 methods.

5. Response to Applicant's Remarks:

Applicant's arguments have been considered, but are deemed to be moot in view of the new grounds of rejection.

Contact Information:


PTO Policy for Facsimile Submissions:

- ☐ AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- ☐ OFFICIAL faxes must be signed and sent to (703) 746-7239.
- ☐ NON OFFICIAL faxes should be sent to (703) 746-7240.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

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- ☐ All responses sent by U.S. Mail should be mailed to:
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
- ☐ Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.
- ☐ Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.
- ☐ Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at *George.Opie@uspto.gov*. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.



ZARNI MAUNG
PRIMARY EXAMINER